

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of May 2016, at 7:00 P.M., and there were

PRESENT:

DANIEL BEUTLER, MEMBER

JOHN BRUSO, MEMBER

JILL MONACELLI, MEMBER

JAMES PERRY, MEMBER

LAWRENCE PIGNATARO, MEMBER

FRANK SWIGONSKI, MEMBER

RICHARD QUINN, CHAIRMAN

ABSENT:                NONE

ALSO PRESENT:     DIANE M. TERRANOVA, TOWN CLERK

KEVIN LOFTUS, TOWN ATTORNEY

MATTHEW FISCHIONE, CODE ENFORCEMENT  
OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: JEROME & FRANCIS GASIOROWSKI**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Jerome and Frances Gasiorowski, 73 Hess Place, Lancaster, New York 14086 for one [1] variance for the purpose of parking an RV camper in the front yard on the premises owned by the petitioners at 73 Hess Place, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17D (3) (d) of the Code of the Town of Lancaster. The height of the RV camper is twelve feet, five inches [12'5"].

Chapter 50, Zoning, Section 17D (3) (d) of the Code of the Town of Lancaster requires that a vehicle or structure which exceeds eight feet [8'] in height be stored in a rear yard or an enclosed building. The petitioners, therefore, request a four foot, five inch [4', 5"] height variance to store this RV camper in their front yard.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

## PERSONS ADDRESSING THE BOARD

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**IN THE MATTER OF THE PETITION OF JEROME & FRANCIS GASIOROWSKI**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. , WHO MOVED ITS  
ADOPTION, SECONDED BY MR.  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Jerome & Francis Gasiorowski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of May 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**(Add in adjourned cases:)**

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT**

**RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District 2, (R-2) as shown on the Zoning Map of the Town of Lancaster.

**[Additional Findings - Optional]**

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-treated but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant(s) if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**(Add In Denial Cases:)**

That the petitioner failed to carry the burden of establishing that strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

That denial of the variance does not deprive the petitioner of the ability to.....

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED IN CASES THAT ARE GRANTED OR CONSIDERED IN CASES THAT ARE DENIED**-subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED
MR BRUSO	VOTED
MS. MONACELLI	VOTED
MR. PERRY	VOTED
MR. PIGNATARO	VOTED
MR SWIGONSKI	VOTED
MR. QUINN	VOTED

The resolution granting the variance was thereupon **ADOPTED-DENIED**.

May 12, 2016

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at P.M. on May 12, 2016.

Signed \_\_\_\_\_  
Diane M. Terranova, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated:

